

A Tale Told by an Idiot: Elon Musk and Free Speech on Twitter

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Abstract

This essay considers the use of the phrase “free speech” as an ideograph in the public discussion about Elon Musk’s purchase and leadership of Twitter, in particular over the last two months of 2022, when a variety of actions taken by the company might have been considered as either supporting or undercutting free speech.

Keyword

Free Speech, Twitter, Elon Musk, Argument, Ideograph

Life’s but a walking shadow, a poor player
That struts and frets his hour upon the stage,
And then is heard no more. It is a tale
Told by an idiot, full of sound and fury,
Signifying nothing.
--Macbeth, Act 5, scene 5

Introduction

This essay seeks to analyze the brief controversy over Twitter’s decision to ban the account of a user sharing the publicly available location data on Elon Musk’s private jet. In particular, it seeks to understand the meaning of the phrase “free speech” and how that phrase was used to justify certain actions while other, relatively concurrent actions seemed to undermine the common understanding of “free speech.” Ultimately, this essay argues that “free speech” may be more properly understood as an ideograph, representing not so much the simple meaning of the noun “speech” as modified by “free” or even the phrase “free speech” but rather an ideology built up around the term and its uses on-line.

The real bulk of this essay begins somewhere in the middle of its story, confusingly. It begins in October of 2022, when Elon Musk, the cofounder and CEO of electric car company Tesla as well as the founder and CEO of spacecraft and satellite communications company SpaceX, finally completes his purchase of Twitter. Musk’s acquisition of Twitter is met variously with praise and concern. While the founder of the investigative journalism site Bellingcat tweeted that “Musk’s takeover has triggered a wave of offensive tweets from people who now think that’s okay thanks to Musk” (Higgins 2022), U.S. Representative from the state of Georgia Marjorie Taylor Greene’s account tweeted the short and enthusiastic message, “FREEDOM OF SPEECH!!!!” (2022).

But that is not the beginning of the story. The beginning of the story goes back to the Trump Presidency and the growing use of social media by politicians and political figures as a way of taking greater control of the public sphere. This story goes back to the concerns about public forums being privately owned. This story goes back to the concerns about governmental control over private speech and about private control of public speech.

A Brief History of Free Speech

So, before the essay proper begins, a little history is required. In the United States of America, the concept of “free speech” most closely connects to the First Amendment to the U.S. Constitution. Merriam-Webster’s Dictionary (of American English), in fact, defines “free speech” as “speech that is protected by the First Amendment to the U.S. Constitution.” That Amendment, which states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of

speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (U. S. Const. amend. I)

Like all rights and freedoms, there are limits to the protections guaranteed by the constitution. In an interview with Adrienne Berard, William and Mary professor Timothy Zick noted that, “Like all rights, freedom of speech and assembly are not absolute. Government can restrict the exercise of these rights to further important interests in public order, safety and health.” These limits are sometimes referred to by the analogy that shouting fire in a crowded theater is not protected speech.

Of course, in the age of the internet, the ability to share speech with others greatly increased in scope and decreased in cost. In order to reach multiple towns at once, someone in the 1800s would have had to have access to a printing press, as well as a great deal of paper and ink. Radio only slightly “democratized” access to the public sphere as the costs were down to owning or getting access to a transmitter and hoping that people around the area might have radio equipment and tune in to the correct frequency. After World War II and the rise of television, the options increased, but so, did the costs as televisions cost significantly more than a radio. Finally, with the arrival of widespread internet access, the costs of access to the public sphere tumbled dramatically. Naturally, these costs did not vanish entirely, as speaking to a wide audience across multiple towns (or countries or continents) still required some way to access the internet and a space that people would look for that speech. Early examples of spaces included electronic bulletin boards and blogging platforms.

This relative freedom of access to the public sphere complicated the question of what the government could do in the face of speech that was limited (hate speech or speech intended to incite a riot, for example). While it might have no real impact to tweet “fire” in a crowded theater, for example, tweeting that a person had kidnapped a child or threaten to murder their family, might lead to severe real world consequences. However, in the age of the printing press, the radio, or television the relative costs of access made it much easier to locate the responsible parties. With the internet, the sheer amount of speech and speakers easily overwhelmed any attempt to control it. As a result, lawmakers have struggled with the question of how to regulate harmful speech on the internet. Jeff Kosseff (2022) writing in the Atlantic, argued that analogy of shouting fire in a crowded theater had been stretched too far, in particular when dealing with the internet:

Yet the migration of modern discourse to platforms such as Facebook and Twitter has prompted lawmakers to call on those companies to seek out and suppress dangerous or misleading information. Congress is considering dozens of proposals meant to limit the spread of objectionable social-media content by holding platforms responsible for messages that they amplify. Many bills would modify or repeal Section 230 of the Communications Decency Act, a 1996 law that protects internet platforms from liability for much of the content their users post.

Section 230, I have argued, led to the creation of the internet as we know it today. To justify a sweeping change to that law, proponents have seized upon a familiar analogy. “The way I describe this to people is, if you yell fire in a crowded theater, that’s not protected speech,” Senator Amy Klobuchar of Minnesota told The Wall Street Journal in October. “If there’s a stampede, the theater probably won’t be sued. If the theater decides to use speakers and have it broadcast what the person is saying or whatever misinformation they’re putting out there, they’d be sued. Right now, these social media companies aren’t putting that content on themselves, but they are broadcasting that content.”

In discussing attempts to combat misinformation, the degree to which the internet was a public space and could be treated as such (with both the protections of the First Amendment and the regulations that came with broadcasting) came into conflict with the private ownership of almost all spaces (websites, etc.) on the internet. David McGee (2018) writing for the American Bar Association periodical Human Rights, reported on the conflict over public on-line spaces being subject to laws surrounding public speech.

The debate over what constitutes a public forum on social media websites will not end with this case. There will almost certainly be more cases involving Twitter and Facebook and Instagram that could also constitute a designated public forum under circumstances similar to the reasoning of Knight. The continued expansion of the Internet as a means of communication will continue to force the courts into examining traditional doctrines

considering how the American people communicate over the Internet.

The Rise of Twitter as a Space for Free Speech

From its launch in 2006, Twitter has become a central place to discuss ideas and talk about current events. Chloe Veltman (2022) its importance when interviewing Desmond Upton Patton:

Whether the company survives the present chaos or not, the history of tweeting shows just how important the platform has been since co-founder Jack Dorsey transmitted the very first message on March 21, 2006.

"There really is no other place where you can be any common individual with no political power, no monetary power, and yet you can story-tell using text, image and audio, you can link up and engage with people locally and globally around an issue, and then you can download your history and understand how all of this happened," said Desmond Upton Patton, a professor of social policy, communications and psychiatry at the University of Pennsylvania who studies Twitter. "That is truly amazing."

In particular, Twitter proved useful in responding to and amplifying news of protests. Veltman continued by talking about the role of Twitter internationally and domestically in the United States:

The platform has been very influential abroad, with around 80 percent of users living outside of the U.S. More than a decade ago, Twitter became a powerful tool for sharing information and reflections about the protests going on in Egypt and beyond during the Arab Spring.

And closer to home, tweeting helped galvanize millions of people in the wake of George Floyd's murder on May 25, 2020, with people sharing their anger and anguish using hashtags like #BlackLivesMatter and #JusticeForGeorge. News platforms used Twitter to report on the unfolding events.

And this brings us closer to the actual start of the story for the purposes of this essay. As Twitter became one of, if not the de facto public space for engagement, the ability to access Twitter became less important than the ability to use Twitter to reach other people. When a private company like Twitter limited what people could tweet, it presented a slight hardship. There were numerous "tricks" to try to circumvent any such measures by social media sites. Kayla Steinberg (2021) talked about some such tricks:

"Vaccine" shows up in social media posts as "vachscene" or "wax seen." "COVID-19" is spelled with zeros instead of O's, or trimmed to "C-19." The CDC and the FDA on Instagram become the "Seedy Sea" and the "Eff Dee Aye."

Are people on social media really such awful spellers?

Not in these cases. They're using intentional misspellings and other linguistic tricks to evade detection from content moderators and algorithms that scour social media posts for possible misinformation related to COVID-19.

If, however, Twitter were to limit a user's ability to reach others (access the public sphere), it could significantly influence the spread of that person's speech. The idea of the "shadow ban" became a constant concern for certain users. Aja Romano (2018) noted that the fear of shadow-banning was particularly prominent in conservative communities:

The basic definition of shadow-banning is simple: A member of a given internet community is tacitly blocked or muted to the rest of the community without their knowledge, so that only they can see what they're posting. Shadow-banning has been around for years — it dates back to early internet forums — but the term has been catapulted into the news this year thanks to a persistent conspiracy theory that Twitter has pointedly and purposefully shadow-banned Republicans who use the site.

The conspiracy theory took root after Twitter made a change to its algorithm that effectively prevented hundreds of thousands of Twitter accounts from being auto-suggested when people used the site's search function. The change turned out to affect the accounts of many conservative and Republican politicians.

In reality, there was some limiting of voices on Twitter. Specifically, in the attempt to reduce the spread of certain kinds of speech, the Twitter algorithm picked up those in a close circle with users who had threatening or cruel behavior on Twitter. So what happened? Romano (2018) explained that a number of Republicans or other conservative figures were in that close circle with those users:

The blunt truth is that in 2018, many of the Twitter accounts that follow and interact with conservative politicians and personalities — including none-the-wiser Republican politicians — are also linked to extremist, racist, and/or white nationalist ideology and have a tendency to engage in abusive and “troll-like” behavior. Thus, Twitter’s algorithm, in its hunt for behavioral patterns, wound up filtering a broad range of users, from fringe extremists and trolls to mainstream Republicans.

In this moment in time, one of the specific concerns was about measures against coronavirus, specifically the vaccine and masking. Vera Bergenruen (2022) noted the severe partisan divide between Republicans (and conservatives generally) and Democrats:

Already, opposition to vaccine and mask mandates has become a purity test for Republican officials, as well as a key part of their agenda ahead of this year’s midterm elections. It seems to have turned some of former President Donald Trump’s fervent supporters against him in favor of politicians like Florida Gov. Ron DeSantis, who has been coy about acknowledging his vaccination status and is not publicly backing such measures. Just 26% of Republicans say they consider vaccine mandates acceptable, according to a CNN poll last month, compared to 82% of Democrats. This partisan divide is evident in the vaccination data itself: unvaccinated adults are three times more likely to lean Republican than Democrat, according to a November analysis by the Kaiser Family Foundation.

In the face of that political divide, Twitter initially responded by taking a relatively hands off approach before finally attempting to limit the spread and reach of misinformation. Alex Hern (2020) reporting for *The Guardian*, noted that “Twitter will remove tweets that run the risk of causing harm by spreading dangerous misinformation about Covid-19, the company has said, after weeks of criticism that its policies on misinformation were too lax.”

So, Twitter was starting to limit the topics that could be discussed openly, but as noted above, there were ways around that limitation. What came next was the attack on the U.S. Capital on January 6, 2021. It was argued by both liberal and some conservative commentators that Donald Trump’s tweets contributed to, or even called for, the actions of the rioters on January 6. Kyle Cheney (2023) reported on the Proud Boys (a group prominent in the January 6 insurrection) calling on Donald Trump to testify:

Prosecutors have underscored the group’s repeated responses to Trump’s public statements — from his Sept. 2020 debate-stage exhortation to the group to “stand back and stand by” to his Dec. 19, 2020 tweet urging supporters to attend his Jan. 6 rally. “Be there. Will be wild,” he wrote.

“Donald trump called on patriots to stop the steal. We’re calling on Donald Trump to take the stand,” said Norm Pattis, attorney for Proud Boy Joe Biggs.

Former Proud Boys chairman Enrique Tarrío and four allies are charged with seditious conspiracy, a plot to violently keep Trump in office anchored in part by preventing Congress from certifying the election on Jan. 6, 2021.

Twitter announced in 2021 that it would ban President Donald Trump’s private twitter account due to its use to arguably promote and provoke violence:

After close review of recent Tweets from the @realDonaldTrump account and the context around them — specifically how they are being received and interpreted on and off Twitter — we have permanently suspended the account due to the risk of further incitement of violence.

This was an extraordinary step that requires a bit more explanation. The Presidential Twitter address (@potus) was not affected, but Donald Trump had long used his personal Twitter account to reach out to followers.

The @potus account had far fewer followers and so, in the eyes of Trump and some others, this ban of his personal account drastically limited his ability to “speak.”

For those people, this was a continuation of a long slide from “free speech” to a more corporate (or private) approach to moderating what was said on Twitter. Kalev Leetaru (2018) wrote that:

It is a remarkable turn of events that the company that once congratulated itself as “the free speech wing of the free speech party and famously informed Congress it would not stop alleged terrorists from leveraging its services has evolved to slowly and steadily distance itself from its free speech ethos. With each update of its terms of service, the company has moved a bit further towards prioritizing commercial reality over the anything-goes mentality upon which it was founded.

Elon Musk (2022), himself, tweeted about this increasing sense of limitation on what could be said, by whom, and to whom as a threat to free speech and even democracy:

Given that Twitter serves as the de facto public town square, failing to adhere to free speech principles fundamentally undermines democracy.
What should be done?

But, again, we are getting ahead of ourselves, if only slightly this time. Musk tweeted the above comment in March of 2022, but his actions about and toward Twitter started just slightly earlier.

Musk’s Purchase of Twitter

In January of 2022, Elon Musk began investing in Twitter, becoming its largest single investor with just over 9 percent of the stock in the company in the middle of March, just a couple of weeks before the tweet referenced above. There were a number of twists and turns in the acquisition of Twitter, including several attempts by Musk to back out of the purchase. Max Zahn (2022) briefly described the steps involved:

The richest person in the world said he wanted to own one of the most popular social media platforms -- until he said he didn't. In early October, he reversed course again, saying he wanted to complete the deal.

On Oct. 28, he finally did.

Tesla CEO Elon Musk completed the deal to acquire Twitter at his original offer price of \$54.20 a share at a total cost of roughly \$44 billion.

Musk’s purchase of Twitter was seen by conservatives as an opportunity to tweet about previously banned or restricted topics. Rob Wile (2022)

Musk's arrival is notably hailed by libertarians and right-leaning pundits. Within 48 hours of taking over, Musk tweets, then deletes, an unfounded, anti-LGBTQ conspiracy theory about the Paul Pelosi attack. A week after Musk’s takeover, far-right figures begin to test Twitter’s boundaries for anti-LGBTQ speech.

Despite stating that he had not made substantive changes to Twitter's content moderation policies, advertisers say they will pull back amid "uncertainty" about his new strategy.

On Nov. 4, NBC News reports that employees who helped fight misinformation were ultimately among those laid off.

With the purchase of Twitter, Elon Musk was finally in a position to enact his vision of free speech and demonstrate how great his commitment was to the idea. Sadly, it did not take long for his commitment to what might generally be conceived of as free speech to waver.

The Free Speech Controversy

At long last, we have arrived at the central story for this essay. The controversy surrounding Elon Musk’s actions in taking over and then running Twitter. Again, for a group of people, the actions that Musk took in attempting to, and ultimately purchasing Twitter were based on the idea of free speech. Laura Williams (2022) writing for the conservative American Institute for Economic Research noted that Musk in her estimation

valued free speech on Twitter as something that could not be restored by lesser measures. He had to purchase the company to accomplish that goal:

From Musk's point of view, Twitter's intrusion into election information control may indeed make freer speech on Twitter "essential to a functioning democracy." His decision to propose a buyout, rather than be constrained by participation in Twitter's board, shows he doesn't believe it can be reformed from within.

Nico Perrino (2022) writing for the libertarian Foundation for Individual Rights and Expression noted that free speech was the reason why Musk purchased Twitter:

In fact, Musk said that's why he bought Twitter. He thought the company was overzealous in censoring speech on a platform that, in his view, is akin to "the town square of the internet." Unlike most of us, he had the means to do more than complain about it — he bought the whole damn company. In recent weeks Musk restored Donald Trump's Twitter account and reversed the account suspensions of Jordan Peterson and The Babylon Bee. Twitter similarly stopped enforcement of its COVID-19 misinformation policy.

So, Musk had been celebrated by one corner of the internet for being something of a individual free speech wing of the free speech party. He was, it seems, willing to overspend to purchase a company simply to make it a place where free speech might be freer.

That passion for free speech did not, it would seem, extend to his new employees. On several occasions, Musk was reported to have fired people who worked at Twitter who spoke critically about him. As Shirin Ghaffary (2023), wrote:

Elon Musk — a "free speech absolutist" — seems to make an exception for criticism directed at him. On Monday, Twitter fired two engineers who publicly challenged Musk on his technical chops, Bloomberg reported. The next day, Twitter reportedly fired over 20 more who posted negatively about Musk on the company's internal workplace messaging app Slack, according to Platformer's Casey Newton.

Now, certainly, one could argue that firing an employee is not particularly a free speech issue. Insubordination, establishing a new corporate culture, and downsizing are all plausible reasons to let workers go. As are employee incompetence or laziness. Those firings, whether they were related to free speech or not are not the actual issue at hand. The actual controversy began with the banning of a Twitter account (@ElonJet) which had been dedicated to sharing the location of Elon Musk's private jet. This, despite the information about airplane location (including private planes) being public knowledge as all airplanes are tracked in the air to help prevent collisions.

This banning or suspension came shortly after Musk, himself, tied the continued existence of the @ElonJet account to his support for free speech. As Donie O'Sullivan (2022) wrote on CNN:

Twitter on Wednesday permanently suspended an account that tracked the location of Elon Musk's private jet, despite the social media company's owner vowing last month he would leave the account up as part of his "commitment to free speech."

The @ElonJet account, which had amassed more than 500,000 followers, was removed as the company posted a new set of edicts that appeared to be designed specifically to justify the removal of the jet-tracking account. The move comes after Musk has reinstated previous Twitter rule-breakers and stopped enforcing the platform's policies prohibiting Covid-19 misinformation.

Further, Maya Yang (2022) writing in The Guardian noted that Musk had bragged that his dedication to free speech was so strong that even though something like the @ElonJet account might pose a threat to his well being, he was willing to allow it to stay:

The decision to suspend the account underscored concerns about the new Twitter CEO's unilateral control over content decisions on the platform. On 7 November, shortly after acquiring Twitter for \$44bn, Musk tweeted: "My commitment to free speech extends even to not banning the account following my plane, even though that is a direct personal safety risk."

As he had personally tied the non-banning of the account tracking his private jet to his support for free speech, his sudden reversal to deciding to ban the account must have raised some concern among his previous supporters, one would surmise. For example, a Google search of www.aeir.org for the words “elonjet” reveals a total of 0 articles while the more libertarian site www.thefire.org did, admittedly feature a few stories worried about Musk’s approach.

The relative silence here is deafening. Given the previous support for free speech, the concerns about a “public sphere” or “town hall” space like Twitter being governed by an unresponsive or capricious board, and the risks to democracy if such behavior continued, it is, perhaps, surprising that when Musk arguably engaged in exactly the behavior he and others had accused of, there was little to no backlash from those supporters.

Indeed, Twitter’s actions seemingly escalated. A number of journalists and reporters who had covered Musk or said negative things about him were similarly banned. Mitchel Clark et al. (2022) noted that the general public (or as much as can be assumed a general public from the results of a Twitter poll) came out decidedly against his actions:

Twitter has suspended the accounts of several prominent reporters who cover Elon Musk, including Ryan Mac of The New York Times, CNN’s Donie O’Sullivan, The Washington Post’s Drew Harwell, The Intercept’s Micah Lee, and Mashable’s Matt Binder, Aaron Rugar, and Tony Webster. This evening, Musk logged in to a Twitter Space to try to explain why and ran a poll asking when the journalists should be unbanned — in both instances, things didn’t exactly go his way.

News aggregating site, News in France (2022), concurred claiming that the uncertainty took the fun out of Twitter and made people uncertain about what was happening behind the scenes:

Twitter started out as a platform that was fun, people could say what they wanted without the feeling of walking on egg shells. Accounts were terminated only when violence was threatened or a tweet was seen as dangerous to the community. Since he took over, the reports of people losing their accounts, without reason, is phenomenal. Each day there are posts tagging Musk asking what happened to so and so, why are they banned? He doesn’t reply and neither does Twitter support.

So what is happening here? Are those people who supported Musk’s takeover of Twitter on the basis of free speech simply being hypocritical? Are they simply happy to have struck a blow against one of the relatively monolithic and enormous social networking sites? That answer seems insufficient. It seems more likely that they do not see the banning of certain journalists or accounts as threats to free speech. It can be argued, therefore, that their understanding of free speech is not an ordinary or technical one, but rather their understanding of the phrase might be best characterized as ideographic.

Considering Free Speech as an Ideograph

An ideograph is a term which is used in political or sociopolitical conversations which has a common meaning and, usually, a strong positive or negative meaning to the general public. To communities within that conversation, however, the term may take on a more amorphous meaning because of the strong feelings associated with it. Those feelings may empower or call for action. Michael McGee (1980) defined ideographs as follows;

Such terms I have called "ideographs." A formal definition of "ideograph," derived from arguments made throughout this essay, would list the following characteristics: An ideograph is an ordinary language term found in political discourse. It is a high-order abstraction representing collective commitment to a particular but equivocal and ill-defined normative goal. It warrants the use of power, excuses behavior and belief which might otherwise be perceived as eccentric or antisocial, and guides behavior and belief into channels easily recognized by a community as acceptable and laudable.

In the simplest sense, then, free speech is a good thing which can be used to justify action or make action not only possible but desirable, even if that action was not justified or desirable on its own. The way to understand what is meant by an ideograph is to examine its use in those political and sociopolitical conversations. The rhetoric surrounding the ideograph will give a sense of the shape and meaning of the term and allow us some

opportunity to see the ideology behind the ideograph. McGee (1980) continued:

Though ideographs such as "liberty," "religion," and "property" often appear as technical terms in social philosophy, I have argued here that the ideology of a community is established by the usage of such terms in specifically rhetorical discourse, for such usages constitute excuses for specific beliefs and behaviors made by those who executed the history of which they were a part.

So what does free speech mean to conservative politicians like Marjorie Taylor Green or CEOs like Elon Musk or journalists like Nico Perrino? Again, the simplest thing to do is to listen to what they are talking about when they talk about free speech. What are the issues that are relevant to the discussion surrounding free speech and, equally important to understanding the margins or boundaries of the term, what are the issues that are not?

Primarily, the interests that are represented by their vision of free speech are freedom from banning or shadow banning for talking about ideas like anti-LGBT, anti-vaccine, and anti-woke (or liberal) policies in addition to protecting Twitter access for people like Donald Trump and Jordan Peterson. In other words, free speech is free conservative speech. Aaron Terr (2022) noted the complicated position of Elon Musk on Twitter:

To be sure, Musk has in fact made moves to boost free speech on Twitter — such as restoring accounts banned under previous management, eliminating speech restrictions, and offering a glimpse into the company's content moderation practices. These are positive developments. But Musk's recent actions suggest he is motivated not by a principled commitment to free speech for everyone, but simply by a desire to allow more speech that he likes.

In fact, just before the final submission of this essay, a further example came to light. Apparently, Elon Musk demanded, after learning that the President of the United States, Joe Biden, got more engagement on one of his tweets about the Super Bowl than Musk did on his, made sure that his own tweets would be promoted specifically. Zoe Schiffer and Casey Newton (2023) reported:

In the wake of those losses — the Eagles to the Kansas City Chiefs, and Musk to the president of the United States — Twitter's CEO flew his private jet back to the Bay Area on Sunday night to demand answers from his team.

Within a day, the consequences of that meeting would reverberate around the world, as Twitter users opened the app to find that Musk's posts overwhelmed their ranked timeline. This was no accident, Platformer can confirm: after Musk threatened to fire his remaining engineers, they built a system designed to ensure that Musk — and Musk alone — benefits from previously unheard-of promotion of his tweets to the entire user base.

So perhaps, the simplest meaning of free speech for this community in this time is free speech for me and not for thee, leaving Elon Musk with the freest speech of all.

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